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17 Attorney for Defendant

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 OAKLAND DIVISION

21 UNITED STATES OF AMERICA, ex rel.
22 VICKI SWARTZELL and JOHN DOE

23 Plaintiffs,

24 v.

25 SINGULEX, INC.

26 Defendant.

Case No.: 16-5241 KAW

**JOINT STIPULATION FOR
EXTENSION OF TIME;
[PROPOSED] ORDER**

1 Pursuant to Rules 6(b) and 54(d) of the Federal Rules of Civil Procedure and the federal
2 False Claims Act, 31 U.S.C. § 3730(d), the undersigned counsel for Relators and Singulex, Inc.
3 (“Singulex”) submit this Joint Stipulation for Extension of Time for filing a motion for
4 attorney’s fees, expenses, and costs. The parties are currently engaged in negotiations
5 regarding Relators’ counsel’s claim for attorney’s fees and hope to reach a resolution without
involving the Court. In support hereof, Relators and Singulex state as follows:

6 WHEREAS, on September 13, 2016, Relators filed a *qui tam* action against Singulex in
7 this District for violations of the False Claims Act, 31 U.S.C. § 3730(b). (Dkt. 1). Relators
8 subsequently filed an Amended Complaint on May 22, 2017, (Dkt. 5), and a Second Amended
9 Complaint on June 21, 2018, (Dkt. 15).

10 WHEREAS, on August 22, 2018, the United States filed a Notice of Intervention for
11 Purposes of Settlement advising the Court that the United States, Relators and Defendant had
reached a settlement of the action. (Dkt. 17).

12 WHEREAS, on September 14, 2018, the United States filed a Joint Stipulation of
13 Voluntary Dismissal requesting that the Court enter an Order, *inter alia*, as to Relators,
14 dismissing all claims against Singulex with prejudice “except that Relators have specifically
15 reserved and do not release Defendant from any claims for expenses, costs, and attorney’s fees
16 under 31 U.S.C. § 3730(d).” (Dkt. 18).

17 WHEREAS, on September 18, 2018, the Court entered such an Order. (Dkt. 19).

18 WHEREAS, under Rule 54(b), Relators’ counsel’s motion for attorney’s fees is due on
19 October 2, 2018, which is 14 days after entry of judgment.

20 WHEREAS, Relators’ counsel and Singulex’s counsel have been engaged in
21 negotiations regarding Relators’ claim for attorney’s fees and need additional time to negotiate.
22 The parties would like to avoid involving the Court through motion practice as well as save the
23 time and effort involved in such practice. Further, neither party will suffer prejudice by this
requested extension of time.

24 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between
25 the undersigned counsel, subject to approval of the Court, that the due date for filing Relators’
26 motion for attorney’s fees, expenses, and costs, if necessary, is extended two-weeks until
27 October 16, 2018.

1 IT IS SO STIPULATED.

2 Dated: October 2, 2018

Siegal & Richardson, LLP

3
4 s/ Joel H. Siegal

5 Joel H. Siegal

6 Attorney for Relators

7 IT IS SO STIPULATED.

8 Dated: October 2, 2018

9 Ballard Spahr LLP

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11 s/ Kay Fitz-Patrick

12 Kay Fitz-Patrick

13 Attorney for Defendant

14 Singulex, Inc

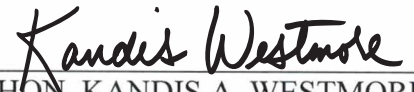
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[PROPOSED ORDER]

Good cause shown, and based upon the Joint Stipulation, the requested extension of time is granted.

IT IS SO ORDERED,

This 3rd day of October, 2018


HON. KANDIS A. WESTMORE
United States Magistrate Judge